

MINUTES
Montana Fish, Wildlife & Parks Commission Meeting
1420 East 6th Avenue
Helena, MT 59601

APRIL 20, 2006

Commission Members Present: Steve Doherty, Chairman; Tim Mulligan, Vice-Chairman; John Brenden; Shane Colton; Vic Workman.

Fish, Wildlife & Parks Staff Present: Jeff Hagener, Director, FWP Staff.

Guests: See April 20, 2006 Commission file folder.

Topics of Discussion:

- 1. Opening - Pledge of Allegiance**
- 2. Approval of February 21, 2006 Commission Minutes**
- 3. Approval of March 20, 2006 Commission Minutes**
- 4. Approval of Commission Expenses through March 31, 2006**
- 5. Establish Meeting Site for September Commission Meeting**
- 6. Commercial Use Rules Update – Informational**
- 7. Tongue River Railroad Easement Across Miles City Hatchery - Informational**
- 8. Raynolds Pass Fishing Access Easement Donation – Endorsement**
- 9. Cinnabar Tract Addition to Grey Owl FAS – Final**
- 10. South Fork of the Flathead Cutthroat Project – Informational**
- 11. 2006 Moose, Sheep and Goat Quotas - Tentative**
- 12. 2006 Mountain Lion Quotas and Permits – Tentative**
- 13. 2007 Moose, Sheep, Goat, Mule Deer and Elk License Auction Rules – Tentative**
- 14. Ft. Peck Swift Fox Translocation to Ft. Peck Reservation - Endorsement**
- 15. 2006 Grazing & Sharecrop Leases - Endorsement**
- 16. Initiation of Game Damage Rule Change - Tentative**
- 17. Forest Legacy Proposal involving Nevada Lake WMA – Endorsement**
- 18. Blue Eyed Nellie WMA Land Acquisition from FNAWS – Final**
- 19. Public Opportunity to Address Issues Not Discussed at this Meeting**

1. Opening - Pledge of Allegiance. Chairman Doherty called the meeting to order at 8:00 a.m. and led the Pledge of Allegiance.

2. Approval of February 21, 2006 Commission Minutes.

Action: Brenden moved and Workman seconded the motion to approve the minutes of the February 21, 2006 and the March 20, 2006 Commission meetings.

3. Approval of March 20, 2006 Commission Minutes.

Action: Please see above motion – both meetings were approved in the same motion.

Director Hagener noted that the actual statements made on page 8 and 12 of the March minutes regarding the Lake Five gift agreement trust fund designation of \$100,000 for maintenance of the site were both incorrect. The statements were indeed made, the minutes are correct, however the purchase price is \$350,000 and gift amount is \$50,000.

Action on Motion: Motion carried

4. Approval of Commission Expenses through March 31, 2006.

Action: Workman moved and Colton seconded the motion to approve the Commission expenses as presented. Motion carried.

5. Establish Meeting Site for September Commission Meeting. Hagener stated that when the decision was made to relocate the May meeting to Whitefish, it was suggested that perhaps the Miles City FWP could host the September meeting instead, however no decision was made at that time. After a brief discussion by the Commissioners, the decision was tabled until a future meeting.

6. Commercial Use Rules Update – Informational. Charlie Sperry, FWP Recreation Management Specialist, said the rules were originally intended for both land and water bodies that FWP owns or manages, however the question has now come up as to whether commercial rules should be placed on the waters. Since a great deal of commercial use occurs on the water bodies, the thought behind establishing rules for water as well as land was to maintain consistent coverage. But what has been discovered is that individual management plans could be effectively developed for individual waters.

The summary of public comments revealed that of most concern is commercial use occurring on WMAs. Comments unanimously stated that hunting on WMAs is inappropriate, but all supported non-consumptive activities such as horseback riding and birding, etc.

Sperry noted that the implementation of fees was also the subject of many comments. The fishing outfitting community is conservatively supporting a fee for operating on public lands. Most agree with the concept, but some do not. Those in favor are focusing on how and what should be charged.

A rough draft of the rules and fee components has been drawn up based on public comment. A revised draft will be brought before the Commission, hopefully in July, after an internal review.

Sperry explained that grazing, timber harvest, and other consumptive harvest will not be considered commercial use since there is already a land lease-out policy that is working well. These types of things would be exceptions to the rules, as are oil and gas reserves that already have policies in effect.

Chairman Doherty asked for public comment. There was none.

7. Tongue River Railroad Easement Across Miles City Hatchery – Informational. **Glenn Erickson, FWP Field Services Administrator**, explained that the Tongue River Railroad Company (TRRC) has requested a 24.85 acre, 50 year easement with automatic 10 year renewals, and 1.24 acre temporary construction easement for railroad purposes across the east portion of the Miles City Hatchery. The TRRC has been in the development and permitting process for many years and has been in contact with FWP since the 1980s. Originally, the right of way width requested was 200' in width, but has been revised to 250' in width. Reaching agreement with FWP is an important part of the final permit approval through the Surface Transportation Board (formerly the Interstate Commerce Commission), and the pending decision on a federal Supplemental Environmental Impact Statement.

Erickson said the TRRC has been the subject of three separate applications – TRR1, TRR2, and TRR3. The overall purpose is to transport coal from the mines in the Powder River Basin and Tongue River Valley to markets in the midwest and northeastern states. TRRC's original application, filed in 1983, was seeking approval from the Interstate Commerce Commission to construct 89 miles of rail line between Miles City and Ashland. TRR1 was approved in 1985. In 1991, the TRR2 application was filed, and ultimately approved, requesting an extension of 41 miles of rail line from Ashland to Decker. The most recent application was filed in 1998 – TRR3 - and they are seeking authority to construct a 17.3 mile rail line, which is an alternative route through the southernmost portion of the Ashland to Decker line. They are now working through the process to get authorization from the Surface Transportation Board.

Erickson said the Miles City Hatchery encompasses approximately 240 acres. It was conveyed to FWP by the federal government for hatchery purposes. Over the years it was developed with federal funds, primarily for warm water species, and today also serves as a hatchery for the endangered Pallid Sturgeon. FWP is responsible to the USFWS for the hatchery's viability and function since it was paid for through federal funds.

The Hatchery's north boundary is the active Burlington Northern Railroad. The proposed TRRC line would tie into the BNRR line on the northeast portion of the hatchery. Their permit is for a common carrier status, which allows them to carry any materials on that rail line, even though the primary purpose is for coal. There has been much discussion over the years about the possible impacts that rail noise, vibrations, dust, construction efforts, etc. would have on fish production, on people, and on existing structures and fish ponds. Several issues have been resolved, but some concerns still remain.

The easement document has not been finalized - it is still under internal review. This easement is just at the hatchery. FWP already has two conversation easements along the railroad right-of-way that the rail line would cross, and they will be dealt with separately. FWP will go out with an environmental analysis discussing alternatives as to how mitigation measures and impacts to the hatchery will be dealt with, and how the easement will be written. The proposal will offer two or three alternatives. A public hearing will be held in the Miles City area, and a review process will be conducted after the comment period concludes.

Erickson said contracting out the environmental assessment would cost between \$15,000-\$20,000, and federally approved appraisals typically cost between \$5,000-\$6,000.

Erickson said the Department has been working on the vibration and noise issues with the railroad. The railroad has agreed to hire an expert to measure the noise and vibration levels at the hatchery and on the rail line, then make some predictions of what the effects might be on the hatchery. FWP also has developed a research project through the USFWS to determine impacts on the Sturgeon.

Hagener said FWP is working closely with TRRC to try to look at all of the mitigation measures. What the Department wants to clarify is how the easement is dealt with on the hatchery itself. The railroad comes off the main line on the edge of the hatchery, and this hatchery is the only hatchery producing pure disease-free Pallid Sturgeon, so the USFWS is involved due to it being an endangered species.

Mulligan asked if there was potential land available to be traded or purchased, or is there enough property within the easement to accommodate the impact of moving the pond. Erickson said there was discussion of moving the pond - there are options.

Doherty asked if there is there an easement from the Department of Transportation (DOT) for the railroad to cross the highway. The rail line will go under the interstate.

Doug Day, Tongue River Railroad, said there is a regulatory process that is utilized to gain approval to access highway property. Day said TRRC has had their engineers meet with DOT, but until they have a final design there isn't much they can do. Once they have the approval, there are right-of-way issues to be resolved, there are secondary approvals for storm-water discharge, temporary water use issues, and a series of secondary approvals which are driven by the final engineering process. Day said they have been working on the fish hatchery issue for a number of years, and now as they have gotten closer to seeing a final environmental impact statement, the pallid sturgeon has become an issue. There are still a number of matters ahead to deal with. Doherty asked what the status is of the environmental impact statement. Day said they have issued a draft EIS in 2004, and have been preparing the final EIS. It should be published in late spring of 2006.

Brenden asked if there is any other route TRRC could have taken rather than through the fish hatchery. Day said they have looked at a number of alternatives. Terrain is a problem, as is going down the east side of the Tongue River through the commercial area of Miles City. He said they have a lot of detailed information they could summarize and provide to the Commission.

Hagener introduced Bob Snyder as the new FWP Hatchery Bureau Chief. He will be dealing with the hatchery issues. Hagener noted that Mark Wilson from the USFWS was also present in the audience.

Doherty asked if something were to go wrong with the hatchery, what would FWP's obligation be to the federal government.

Mark Wilson, USFWS, said FWP would have to pay back the cost of the funding that the USFWS put into the hatchery. He doesn't remember the exact amount, but if the hatchery is closed or rendered unusable, that money would have to be returned to USFWS. He will research the matter and let the Commission know how much money it would be. Colton said he would like a listing of what specifically the federal aid pertains to. Wilson said he would make sure to get the information to the Commission.

Colton asked where the project would start. Day said they would have two or three segments under construction at the same time, and would most likely work from the north to the south because they have access to the BNSF rail line.

Colton asked if they obtain the easement from FWP, but not the easements from the rest of the landowners, would they start construction before they have those easements? Day said they would have to have a segment large enough for the equipment to mobilize construction. They could not construct small pieces here and there. Colton said if something goes wrong, FWP doesn't want half a track.

Brenden asked what the timeframe for completion is. Day replied it would take three to four years to construct the entire line, based on a seven-month construction season per year.

Brenden asked if one landowner could stop the process by denying access. Day said as a common carrier they have the right of imminent domain. They would use that only as a last resort however. There is a whole series of appraisals and negotiations that takes place prior to the use of that right.

Doherty asked how much right-of-way they have acquired at this juncture. Day said they only have an easement across the Livestock and Range Research Station. The rest hinges on approval by the Surface Transportation Board. Doherty asked how long before they make a decision. Day said at least thirty days. Day said the supplemental EIS is called the TRR1, and they are looking at TRR1 and TRR2 because of proposed alignment modifications that would provide a straighter route. Doherty asked if anyone is taking a cumulative look at what could happen to the Tongue River given the amount of mineral development along Tongue River, including coalbed methane, as well as the numerous strip mines and the railroad construction debris that may be dumped into the river. Day said there is a cumulative impact section in the EIS with the Surface Transportation Board.

Doherty asked who is talking to the Surface Transportation Board from FWP. Hagener said originally the state commented as a state entity, and it was all coordinated through DNRC. There was a coordinated comment to the Surface Transportation Board. The BLM was sued over coalbed methane development and discharge, and they were instructed by the court to re write their EIS in regard to coalbed methane, and they are looking at cumulative impacts within that EIS, and he assumes that would include the Tongue River Railroad.

Bob Snyder, FWP Fish Hatchery Bureau Chief, explained that he spent 24 years in a hatchery system and the last five years as the Native Species Program Manager, so is familiar with the facility, with fish culture, and with Pallid Sturgeon. He feels it is his position to be an advocate for the hatchery facility, for the fish on the facility, and for the FWP personnel on the facility.

Concerns Snyder has include the fact that the main Burlington Rail Line runs across the top end of the facility, and as discussed in meetings with TRR, fifty percent of traffic that is now on that line will be coming along the new TRRC line. The hatchery headquarters is where all of the eggs are incubated, and there are two hatchery residences there. The proximity of the existing rail line and the new line is a concern to the people living there. He has concerns about that in the derailment standpoint as well as the vibration and noise. Snyder is concerned about contamination - there could be hazardous materials on the rail line. He is worried about the integrity of the water supply as it will run under the right-of-

way of the railroad. The soils in that area have problems with achieving compaction, and are susceptible to frost heaves. The two Pallid Sturgeon populations in Montana have not recruited on their own. The juveniles only come from hatcheries, and the Miles City Hatchery has consistently recruited sturgeon. This hatchery is the last remaining consistent Pallid Sturgeon producer.

Colton said FWP and the Commission have a direct obligation to the hatchery and to the species it supports. He said "it is important to understand what we are doing before we do it. There is a lot at stake." Also, FWP might not be able to reimburse the federal government if this goes awry.

Doherty is concerned with the fiduciary responsibility to the sportsmen of Montana. The Miles City Hatchery is a premier facility. He wants more information, and he wants to know if the USFWS is satisfied. If something does happen due to the common carrier status, a bond in which there is no finger pointing, and no lawyers involved would go a long way to mitigating potential impacts.

Mulligan said it is reasonable to expect that the railroad will go through there, and said the role of the Commission is to make it work the best way possible, while still protecting the Hatchery. He asked when Fort Peck Hatchery will be ready to produce Pallid Sturgeon. Snyder said they will be receiving Paid Sturgeon eggs this year to experiment with. The desire is to raise them to yearling size so there may be fish by next spring.

Doherty asked who is paying for the EA and appraisal. Hagener said typically the applicant for the easement pays for the appraisal, and since this EA is more expensive and more complex, FWP is going to discuss with TRRC the possibility of hiring a consulting firm. There is no clearly stated policy. Brenden stated that it is standard practice in land transactions for applicants to cover those expenses.

8. Raynolds Pass Fishing Access Easement Donation – Endorsement. Glenn Erickson, FWP Field Services Division Administrator, explained that this proposal is to accept the donation of a permanent fishing access easement, which would provide walk-in access to a mile-long, 50-foot-wide strip of land along the upper Madison River. The Easement would connect two existing FWP fishing access sites, Raynolds Pass and Three Dollar Bridge. This easement would allow the public to walk between these fishing access sites, and also to fish along the river throughout the length of the easement area. There is no cost to obtain this easement from the landowners. If endorsed by the Commission, an environmental assessment will be released in April to solicit public comment.

Action: Mulligan moved and Workman seconded the motion to continue to pursue the proposed donation of the Raynolds Pass Fishing Access Easement. Motion carried.

9. Cinnabar Tract Addition To Grey Owl Fas – Final. Glenn Erickson, FWP Field Services Division Administrator, said the Cinnabar Foundation proposed to donate a 5-acre tract along the Yellowstone River, about 20 miles south of Livingston, as an annex to the existing Grey Owl Fishing Access Site. Acceptance of this site would conserve riparian habitat and add a half-mile of frontage that the public could use for bank fishing and for landing boats.

FWP released a draft Environmental Assessment in January of 2005, and because of concerns raised by neighboring landowners, the comment period was extended through April 15. A public hearing and an onsite review were held by FWP. The main concern object of concern was that several landowners

in nearby subdivisions had been granted recreational access and parking easements on the northern part of the tract, and they did not want anything to interfere with that.

Three alternatives were evaluated, including acquiring the entire Cinnabar Tract, not acquiring it, or acquiring the entire tract but only retain the southern portion. Acquiring the entire tract would have the potential to interfere with the pre-existing rights of neighboring landowners to drive onto and park on the northern portion of the property, because FWP does not want public drive-in access to this area. Not acquiring the tract would not achieve the benefits of habitat conservation and recreational access. Acquiring the entire tract but retaining only the southern portion (the portion bordering the Grey Owl FAS) meets the concerns of those persons with access and parking rights on the northern portion, and provides recreation and habitat conservation, and meets criteria of the Cinnabar Foundation.

The recommendation is to accept the 5-acre Cinnabar Tract donation, but retain the title to only the southern 3.5 acres. This portion would be added to the existing Grey Owl Fishing Access Site. Acquisition of the 3.5 acres will be accomplished via a quitclaim deed from the Cinnabar Foundation for the entire 5 acres, and a simultaneous conveyance by FWP of a quitclaim deed to the northern 1.5 acres to the River Access Maintenance Group, a nonprofit entity consisting of neighboring landowners. FWP would also retain an administrative access easement across the 1.5 acres to reach the northern boundary of the Grey Owl FAS. The River Access Maintenance Group has agreed to this easement.

Action: Mulligan moved and Workman seconded the motion to accept from the Cinnabar Foundation a 5-acre tract along the Yellowstone River and to re-convey approximately 1.5 acres of the tract to the nonprofit River Access Maintenance Group, subject to a reserved easement for administrative access, all as recommended by the Department in its Decision Notice on the Cinnabar Tract Addition to the Grey Owl Fishing Access Site.

Chairman Doherty asked for public comment – there was none.

Action on Motion: Motion carried.

10. South Fork of the Flathead Cutthroat Project – Informational. Commissioner Workman led off the discussion on this proposal. Workman said he has gotten the feeling from staff and other agencies involved in this project that “how dare he question at this late moment this project because it has gone through a couple of Commissions, has went through public comments, has went through three different agencies, and in reality we cannot vote on it anyway because it is outside of our prevue”. He feels like it needed to brought up because he is not in favor of the project, and because most of the public he has visited with in the Swan and Flathead Valleys are not in agreement with it. He does not feel there are many people who would not agree with the idea of trying to have and protect a pure strain of fish, but the fact is it is not pure, and never will be pure. He said he has problems with the current information available as to whether or not the project will have the ultimate desired effect, which is to keep the species as pure as we can and not have it listed with the USFWS as an endangered species.

Workman said before going forward with a project like this, the Commission must ask if it will accomplish the goal of keeping the fish from being listed. The fish will never be one hundred percent pure, but we should know what percentage of “non-pure” will be allowed. Will the USFWS list the Westslope Cutthroat if there is less than 99% purity, or if it is 90% pure, or what percentage? If that percentage is not known, how can we go forward if it doesn’t accomplish the major goal. It is

unknown how much hybridization has happened below the high mountain lakes, or downstream, or in Big Salmon Lake and Hungry Horse Reservoir. Some information is 20 years old - the most current is 3 years old. These fish have been here since the 1920s, so hybridization has occurred for a very long time, and will continue to do so. More accurate information is needed before this project goes forward. The study conducted in 1988 in Big Salmon Lake says the Westslope Cutthroat were 100% pure. That is not true – there is hybridization in that lake. Workman said when this goes forward, and the Westslope gets listed, the public will be very upset. There is not enough accurate information. Staff has assured him there is no problem with the implementation of poisons, and all will work perfectly.

Jim Satterfield, FWP Region 1 Supervisor, said there has always been something special about the South Fork of the Flathead River and the native Westslope trout populations that occur there. It is the last stronghold for Westslope Cutthroat in the lower 48 states. It is a beautiful area, and provides incredible fishing opportunities. There is a lot of interest in this project, and it is controversial. It is complex. It is a long-term project of about ten years.

Brian Marotz, FWP Region 1 Fisheries Mitigation Manager, said this problem began years ago when folks were dumping cream cans of non-native fish into the headwaters. At that time, people didn't realize it would lead to the problem of today. Later, biologists found rainbow trout in some of the drainages, such as upstream of Big Salmon Lake. Genetic swamping was done, which means taking many fish, pure cutthroat in this case, and putting them on top of the fish already in the lake. When the Hungry Horse mitigation program began in 1982, FWP continued to work on this existing problem. Now the Department has the ability and the funding to do something more effective than swamping, which is to remove the non-native fish and replace them. In 2001, FWP looked into this, and proposed what is before the Commission now. The Hungry Horse Mitigation Program has to go through a four state group, the Northwest Power and Conservation Counsel, the Columbia Basin Fish & Wildlife Authority, and the Independent Scientific Review Panel. In 2004 and 2005, FWP began the public scoping process and went through a complete environmental impact statement. The Records of Decision are now ready. It is controversial, and if there were another tool available, it would be used. FWP has identified where the hybrids are, and new data has been collected since the EIS.

Grant Grisak, Region 1 Fisheries Biologist, said over the last four years, he has dealt with the technical aspects of this proposal and the environmental compliance process. Over the years FWP has instituted a number of successful projects, and has found that doing them in the fall minimizes the impacts to sportsmen, and low water contains the treatments. Lakes are sampled, genetic testing is conducted, and water is tested for regulatory compliance. Restocking is a pivotal component of this process. The Department wants to minimize impacts to the fishery, so the proposal is to stock multiple sizes of fish. There will be continued annual sampling to assure success. Genetic sampling after a treatment will also be done. Non-target organisms will be taken into consideration as well.

Satterfield said he came to the conclusion that it is the right thing to do for the species. A Citizen Advisory Committee was developed ten years ago in Region 1, and they are included in this process. The first step in the process is to develop draft evaluation criteria. Site cleanup has been an issue, so the Department wants to be sure to document that we are cleaning up the sites. There is a plan for restocking, but unpredictable things happen to hatchery production, etc. One of the cruxes of the issues is the post-treatment genetic sample. A few years after the waters have been reclaimed it is important to look at the genetics to determine if hybrid fish are being replaced with pure populations.

Water will be sampled annually. Over time, FWP expect to see a decrease in hybrids. The Department is developing an accountable system that is flexible and open to the public. This project will take 10 years to complete, which will allow adjustments to minimize the impacts. To reproduce the high quality of fishery it is now will take five years or more, but the long-term benefits will be worth it.

There was much discussion on the percentages of purity, how that is determined, how static those numbers are, and where the samples were taken from. Typically, fish in reservoirs are not sampled as they spawn in the streams. Sampling is more accurate in streams since that is where the fish spawn. Hungry Horse is a catch-all, and when fish mature, they swim back upstream to spawn.

Brenden said he has spoken to several fisherman that feel this will mess up a good fishery. The urgency to get this project underway is a matter of opinion – urgency varies from person to person. Pure strains of anything are rare. Most folks, not all, just want to catch fish - they don't care what they catch. The Commission's call is not only to protect the species, but to protect the sportsmen's desires too. The fish could still become extinct even after many dollars are spent to protect them. With all the money and time that will go into this project, there will still be at least one hybridized fish out there.

Marotz said it is the mission of FWP to make hunting and fishing as good as possible, and to maintain species for future generations. It would be irresponsible to not try even though there may never be 100 percent purity.

Colton asked if the cost would be \$300,000 per year. Marotz replied that is true, however some large lakes will cost more, and smaller lakes will cost less.

Colton said it was his understanding that a number of fisheries biologists came to a consensus of what genetically pure is. He asked which states were engaged in making this decision and how did it come about.

Marotz said there was a paper called the Utah Paper that was signed by multiple states and agencies, and that dealt with a core population of 99% or better. A conservation population was 90% pure or better, and if it was less than 90%, it was just a sport fish. There is a new MOU that has not been signed yet. It is a new conservation agreement, and that is most of the information from the Utah Paper, only it didn't say 99% or better. It said pure for core population. It is getting more refined on what conservation populations mean. If it's in that range, and that is all you have, you conserve it. If it is in that range and threatens to harm a core population, then it becomes a target.

Mulligan said this is obviously one of the most controversial issues FWP has been dealing with over the last several years. The bottom line is that the federal government (USFWS) has control. There are groups who want this fish to be listed. There is some validity to their concerns related to the reduction of their overall habitat. When USFWS looks at potential delisting, they look at the state's ability and willingness to manage the species, and whether their management process is improving the status of that species. There is no choice but to be proactive and aggressive. Does the EIS go far enough? There will be additional treatment in additional creeks that will go on for a number of years. If the species does get listed, we would probably start this same process, but maybe do it more aggressively over a shorter time period. We will learn from it this, and it is critical that the money is there and is

spent to learn from. He said there is no choice but to go forward with these kinds of projects. Sometimes FWP and the Commission have to make decisions that make the public very unhappy.

Workman said his core problem is that nobody knows it hasn't already slipped to a point from which it cannot be recovered, and the fish will be listed anyway. If has slipped that low and we ruin 21 lakes – fabulous fisheries – and find that nothing was accomplished, the public will be very unhappy. Mulligan said 21 lakes would not be ruined – information would prevent that from happening. That is why the ten-year period as opposed to doing it all at once. Workman said once this starts it will not stop.

Hagener said projects have been stopped on several occasion for one reason or another. The Commission adopted the policy years ago to emphasize native fisheries. Four or five years ago they did things all at once. Adaptive management allows flexibility to stop if something does not work. Hagener said there is still another side to this matter. Some folks state that there were no fish in these streams to start with, so all fish should be killed out and not restocked. There has been a lot of effort going into the project. The obligation is to preserve the fisheries of Montana.

Workman said that the theory is that if the public does not like what is happening, they can stop it. They are against it today, and we are still going forward with it despite their wishes. The people are not being listened to. Colton said he doesn't want to do nothing just because the Commission doesn't understand it.

Workman asked if it would it be inappropriate to ask for accurate information since the numbers are not adequate. He said he has never once suggested it not go forward, but that it not go forward with inaccurate and insufficient data.

11. 2006 Moose, Sheep and Goat Quotas – Tentative. Don Childress, FWP Wildlife Division Administrator, presented the tentative proposals.

MOOSE

Region 1 – Moose

Two recommended changes to the regulations.

LPT 122-00: Increase either-sex licenses from 6 to 8.

LPT 125-00: Increase either-sex licenses from 2 to 3.

Action: Workman moved and Colton seconded the motion to approve the Region 1 Moose quotas as recommended by the Department. Motion carried.

Chairman Doherty asked for public comment. There was none.

Action on Motion: Motion carried.

Regions 2, 4, 5 - Moose

No recommended changes to the regulations.

Action: Colton moved and Mulligan seconded the motion to approve the Regions 2, 4, and 5 Moose quotas as recommended by the Department.

Chairman Doherty asked for public comment. There was none.

Action on Motion: Motion carried.

Region 3 - Moose

Seven recommended changes to the regulations.

LPT 300-20: Increase antlered bull licenses from 5 to 8.

LPT 301-10: Increase antlerless licenses from 5 to 8.

LPT 319-10: Increase antlerless licenses from 1 to 3.

LPT 325-10: Increase antlerless licenses from 2 to 4.

LPT 341-10: Increase antlerless licenses from 1 to 3.

LPT 332-10: Increase antlerless licenses from 5 to 10.

LPT 332- 20: Increase antlered bull licenses from 5 to 10.

Action: Mulligan moved and Workman seconded the motion to approve the Region 3 Moose quotas as recommended by the Department.

Chairman Doherty asked for public comment. There was none.

Action on motion: Motion carried.

BIGHORN SHEEP

Region 1 - Sheep

One recommended change to the regulations.

LPT 121-00: Increase either-sex licenses from 9 to 10

Action: Workman moved and Brenden seconded the motion to approve the Region 1 Sheep quotas as recommended by the Department.

Chairman Doherty asked for public comment. There was none.

Action on Motion: Motion carried.

Region 2 - Sheep

One recommended change to the regulations. The number of rams has been declining significantly.

LPT 216-00: Decrease either-sex licenses from 8 to 4

Action: Workman moved and Mulligan seconded the motion to approve the Region 2 Sheep quotas as recommended by the Department.

Mack Long said five sheep were found dead near Anaconda, but the cause is unknown yet. They are at the lab for tests.

Chairman Doherty asked for public comment. There was none.

Action on Motion: Motion carried.

Region 3 - Sheep

No recommended changes to the regulations.

Action: Mulligan moved and Brenden seconded the motion to approve the Region 3 Sheep quotas as recommended by the Department.

Chairman Doherty asked for public comment. There was none.

Action on Motion: Motion carried.

Region 4 - Sheep

Ten recommended changes to the regulations.

LPT 421-00: Increase either-sex licenses from 1 to 2.

LPT 422-00: Increase either-sex licenses from 5 to 7.

LPT 422-30: Increase adult ewe licenses from 15 to 20.

LPT 423-00: Increase either-sex licenses from 2 to 5.

LPT 423-30: Reduce adult ewe licenses from 15 to 10.

LPT 424-00: Increase either-sex licenses from 5 to 7.

LPT 424-30: Decrease adult ewe licenses from 15 to 5.

LPT 482-00: Increase either-sex licenses from 10 to 15.

LPT 482-30: Increase adult ewe licenses from 1 to 15.

LPT 482-31: Increase adult ewe licenses from 1 to 5.

Graham Taylor, FWP Region 4 Wildlife Manager explained that over one hundred sheep have been removed and transplanted from Sun River. It is a juggling game whether to harvest or transplant ewes.

Action: Doherty moved and Mulligan seconded the motion to approve the Region 4 Sheep quotas as recommended by the Department.

Chairman Doherty asked for public comment. There was none.

Action on Motion: Motion carried.

Region 5 - Sheep

No recommended changes to the regulations.

Action: Colton moved and Brenden seconded the motion to approve the Region 5 Sheep quotas as recommended by the Department.

Chairman Doherty asked for public comment. There was none.

Action on Motion: Motion carried.

Region 6 - Sheep

Two recommended changes to the regulations.

LPT 622-00: Increase either-sex licenses from 4 to 7.

LPT 680-30: Increase adult ewe licenses from 15 to 25.

Action: Brenden moved and Workman seconded the motion to approve the Region 6 Sheep quotas as recommended by the Department.

Chairman Doherty asked for public comment. There was none.

Action on Motion: Motion carried.

MOUNTAIN GOAT

Region 1 and 2 – Mountain Goat

No recommended changes to the regulations.

Action: Workman moved and Mulligan seconded the motion to approve the Region and Region 2 Goat quotas as recommended by the Department.

Chairman Doherty asked for public comment. There was none.

Action on Motion: Motion carried.

Region 3 – Mountain Goat

Six recommended changes to the regulations.

LPT 321-00: Reduce either sex goat licenses from 4 to 2.

LPT 322-00: Reduce either sex goat licenses from 2 to 1.

LPT 325-00: Reduce either sex goat licenses from 10 to 4.

LPT 326-00: Reduce either sex goat licenses from 16 to 6.

LPT 327-00: Reduce either sex goat licenses from 8 to 4.

LPT 328-00: Reduce either sex goat licenses from 4 to 2.

Action: Mulligan moved and Workman seconded the motion to approve the Region 3 Goat quotas as recommended by the Department.

Chairman Doherty asked for public comment. There was none.

Action on Motion: Motion carried.

Region 4 - Goat

Two recommended changes to the regulations.

LPT 447-00: Decrease either-sex licenses from 12 to 10.

LPT 460-00: Increase either-sex licenses from 5 to 7.

Action: Doherty moved and Colton seconded the motion to approve the Region 4 Goat quotas as recommended by the Department.

Chairman Doherty asked for public comment. There was none.

Action on Motion: Motion carried.

12. 2006 Mountain Lion Quotas and Permits – Tentative. Don Childress, FWP Wildlife Division Administrator, presented the tentative proposals.

Region 1 – Mountain Lions

Eighteen recommended changes to the regulations.

LPT 100-00: 18 Any legal lion permits. Female sub-quota = 7

LPT 101-00: 7 Any legal lion permits. Female sub-quota = 2

LPT 102-00: 8 Any legal lion permits. Female sub-quota = 3

LPT 103-00: 8 Any legal lion permits. Female sub-quota = 3

LPT 104-00: 8 Any legal lion permits. Female sub-quota = 3

LPT 109-00: 4 Any legal lion permits. Female sub-quota = 1

LPT 110-00: 8 Any legal lion permits. Female sub-quota = 3

LPT 120-00: 7 Any legal lion permits. Female sub-quota = 2

LPT 121-00: 24 Any legal lion permits. Female sub-quota = 9

LPT 122-00: 6 Any legal lion permits. Female sub-quota = 2

LPT 123-00: 6 Any legal lion permits. Female sub-quota = 2

LPT 124-00: 4 Any legal lion permits. Female sub-quota = 1

LPT 130-00: 8 Any legal lion permits. Female sub-quota = 3

HD 132: Any legal lion harvest quota = 8

HD 140: Any legal lion harvest quota = 5

HD 141: Any legal lion harvest quota = 5

HD's 150 and 151: Any legal lion harvest quota = 6 (Sept 15 – Apr 14)

HD 170 (Flathead Valley): Any legal lion harvest quota = Unlimited

Action: Workman moved and Mulligan seconded the motion to approve the Region 1 Mountain Lion quotas as recommended by the Department.

Chairman Doherty asked for public comment.

Sanford Shroud – said he was satisfied with the number of permits, but questioned how the female subquota will work. Jerry Brown, FWP Region 1 Wildlife Biologist, explained that once a certain number is reached, that will be noticed in the news media to let the public know the quota has been met, and from that point on, it is male only and the call-in system is utilized. He said Region 2 will be complicated.

Action on Motion: Motion carried. (Brenden opposed).

Region 2 – Mountain Lions

Recommended changes to the regulations:

HD 200 & 201*: Resident harvest quota = 2 Females and 4 Males.

LPT 200-00: 1 Either-sex lion permit. Non-resident.

* Except Missoula Special Management Area.

Missoula Special Mgmt Area: *Portions of HDs 201, 203, 204, 260, 283 and 292.*

Resident harvest quota = 8 Females and 10 Males

LPT 201-00: 2 Either-sex lion permits. Non-resident.

HD 202 & 203*: Resident harvest quota = 2 Females and 9 Males.

LPT 202-00: 1 Either-sex lion permit. Non-resident.

HD 204, 260* & 261: Resident harvest quota = 0 Females and 2 Males

LPT 204-00: 1 Male lion permit. Non-resident.

HD 210: Resident harvest quota = 0 Females and 1 Male quota

LPT 210-00: 1 Male lion permit. Non-resident.

HD 211 & 216 Resident harvest quota = 0 Females and 1 Male

LPT 211-00: 1 Male lion permit. Non-resident.

HD 212 & 215: Resident harvest quota = 0 Females and 4 Males

HD 213 & 214: Resident harvest quota = 0 Females and 1 Male

HD 240: Resident harvest quota = 0 Females and 3 Males

HD 250: Resident harvest quota = 0 Females and 4 Males

HD 270: Resident harvest quota = 0 Females and 3 Males

HD 280, 281, 284 & 293: Resident harvest quota = 0 Females and 4 Males

HD 282: Season Closed.

HD 283* & 285: Resident harvest quota = 0 Females and 3 Males

HD 290, 291 & western half of 292*: Resident harvest quota = 0 Females and 3 Males

HD 292 (East ½): Blackfoot Special Lion Permit Area –

LPT 292-00: 1 Either-sex lion permit. Resident Only.

Action: Workman moved and Mulligan seconded the motion to approve the Region 2 Mountain Lion quotas as recommended by the Department.

Chairman Doherty asked for public comment. There was none.

Action on Motion: Motion carried. (Brenden opposed)

Region 3 – Mountain Lions

Recommended changes to the regulations:

HD's 300, 302, 328 & 329: Reduce Total quota from 5 to 3 & reduce Female sub-quota from 3 to 2.

HD 301: Reduce Total quota from 6 to 4 and reduce Female sub-quota from 2 to 1.

HD 309: Closed

HD's 310, 311, 360, 361 and 362: Reduce Total quota from 8 to 6 with no change in female sub-quota.

HD's 312 and 393: Reduce Total quota from 8 to 5 and reduce Female sub-quota from 2 to 1.

HD 315: Reduce Total quota from 4 to 3 and reduce Female sub-quota from 2 to 1.

HD's 318 and 350: Reduce Total quota from 5 to 3 with no change in female sub-quota.

HD 319 and 341: Reduce Total quota from 4 to 3 and reduce Female sub-quota from 2 to 1.

HD's 320 and 333: Reduce Total quota from 5 to 3 with no change in female sub-quota.

HD's 321 and 332: Reduce Total quota from 3 to 2 and reduce Female sub-quota from 2 to 1.

HD's 323, 324, 325 and 327: Reduce Total quota from 6 to 4 with no change in female sub-quota.

HD 331: No change in Total Quota and reduce Female sub-quota from 3 to 2.

HD's 335, 338, 339 & 343: Reduce Total quota from 7 to 5 & reduce Female sub-quota from 3 to 1.

HD 340: Reduce Total quota from 3 to 2 with no change in female sub-quota.

HD's 370 and 380: Reduce Total quota from 6 to 4 with no change in female sub-quota.

HD's 390, 391 & 392: Reduce Total quota from 7 to 5 & reduce Female sub-quota from 2 to 1.

Action: Mulligan moved and Workman seconded the motion to approve the Region 3 Mountain Lion quotas as recommended by the Department.

Chairman Doherty asked for public comment.

Sanford Shroud asked if HD313 and 316 was supposed to be 3 any legal lions or 3 males – he thinks it should be any male lions. Mulligan said there was not be any changes there. Childress said it was not to be a recommended change. Mulligan said the motion would be that there is no change in those HDs.

Action on Motion: Motion carried.

Regions 4, 5, 6, 7 – Mountain Lions

No recommended changes to the regulations.

Action: Colton moved and Workman seconded the motion to approve the Regions 4, 5, 6, and 7 Mountain Lion quotas as recommended by the Department.

Chairman Doherty asked for public comment. There was none.

Action on Motion: Motion carried.

13. 2007 Moose, Sheep, Goat, Mule Deer and Elk License Auction Rules – Tentative. Don Childress, FWP Wildlife Division Administrator, explained that there had been no changes to the proposed tentative rule, and the process remains the same as before. Statute provides that moose, sheep, and goat licenses must be sold by auction only, while mule deer and elk licenses can be sold either by auction or by lottery. The proceeds are used for conservation purposes, with 90% of the proceeds returned to FWP; the organization auctioning off the licenses keeps the balance.

Action: Brenden moved and Workman seconded the motion to approve the 2007 auction / lottery rules for the moose, sheep, goat, mule deer, and elk licenses.

Chairman Doherty asked for public comment. There was none.

Action on Motion: Motion carried.

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The Commission broke for a working lunch at this point to discuss litigation strategies concerning the lawsuit filed by the Montana Outfitters and Guides Association regarding Region 2 mountain lion regulations.

Commissioner Workman had a conflicting appointment that required him to be absent for the remainder of the meeting.

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14. Ft. Peck Swift Fox Translocation to Ft. Peck Reservation – Endorsement. Don Childress, FWP Wildlife Division Administrator, reminded the Commission that this topic had been tabled at the November Commission meeting to await more extensive information on this translocation proposal. Childress stated that information has now been obtained.

Brian Giddings, FWP Furbearer Coordinator, said this proposal is to facilitate the translocation of swift fox from the north-central Montana population to the Fort Peck Reservation. FWP wants to expand the distribution of swift fox in the state and to provide a source of fox for Ft. Peck.

The concern of population distribution was brought up at the November Commission meeting. Giddings said that from October through February, FWP worked with Canada, for the second time, on an international swift fox census to determine distribution and population estimates. Preliminary analysis indicates over a 2-fold increase in population, and more than a doubling of swift fox distribution from the previous census conducted in 2000-2001. Within the study area of about 3,500 square miles, the swift fox population is estimated at approximately 500.

Giddings said the Commission had also asked if Ft. Peck Reservation has regulations in place to protect the fox. He said there is a resolution by the Tribe that states that it is unlawful to take, possess, transport, shoot, sell, or export the fox, and it is their responsibility to protect them.

The translocation is limited to ten fox from the north-central population, and they will be taken from several areas. FWP will coordinate with the Tribe to get them onto the Reservation.

Giddings introduced Leonard Bighorn, Ft. Peck Tribe Wildlife Department, and Kyran Kunkel, an independent wildlife consultant associated with the University of Montana who has also had experience in Swift Fox reintroductions in South Dakota.

Brenden asked if tribal members need a license to hunt on the Ft. Peck Reservation. Bighorn replied that tribal members need a license, however it is in the form of a tribal ID. They do not have to pay for it, but they have to have it on their person when hunting. Brenden asked if they set their own quotas or if they work with FWP. Bighorn replied that his boss, Robert Mangum works a lot with Region 6 FWP staff. He said no big game hunting is allowed for non-members, except for the last 2 years they have allowed 10 bison and antelope per year for non-members. They use the same dates, guidelines, and quotas as FWP for upland game birds and fish.

Brenden said many people want to hunt on non-Indian land because they say there is no game on the Reservation, and he feels maybe it is over-hunted. He suggested that perhaps it would be better if the tribes would charge a license fee for tribal members so it could be more regulated. Brenden said that he has been contacted by folks who are concerned about the effects the fox may have on the upland gamebird population.

Brenden said he is not sure why a transplant is necessary when the statistics are showing that the fox are increasing in numbers, and will relocate on the Reservation anyway. He said he is also concerned about the turmoil within the tribe relative to the frequent elections, removals, and reelections of chairmen, and about the varying decisions - the Resolution could change with each chairman. Bighorn said he has never seen the resolution change when a new chairman is elected. The fish and wildlife program is a separate entity and they don't get involved.

Bighorn said he has seen some signs of the fox on the Reservation, and he said there is a lot of game on the Reservation. The members who go off the reservation are usually horn hunters looking for big bucks. He said their bird survey is showing sharptails are up this year. Bighorn said the tribal ID does cost a minimal fee and they have to take hunter's safety as well. There is a small number of folks who make the rest of them look bad.

Brenden asked Bighorn if the Tribe planned to institute a monitoring program for the fox. Bighorn replied that they would soft release them. They will find existing dens, then keep them in a pen for a few days before they free them. The theory is that they will smell each other and then they will stay in that area. They will be radio collared and monitored.

Kyran Kunkel, Professor at University of Montana, said he has been involved with Swift Fox restoration since 1999. They have been several northern states as an imperiled species. When he started the program on the Fort Peck Reservation, it was first determined if there were foxes present, and if so, how are they doing and what their distribution was. If not, he needed to know why not. He did surveys to study predators and prey. The primary mortality factor for Swift Fox is the coyote. They monitored hole density. The factors on the Reservation are suitable. There is not an established population in the area. He said it makes sense that rather than do extensive monitoring and research to determine if they will move there on their own, to take some fox and move them to the Reservation to speed along the process. It is yet unknown if there are barriers to keep them from moving onto the Reservation on their own. After they monitor them they can determine best what can be done. Proactive management may be necessary.

Brenden asked what the cost would be. Giddings said it will be accomplished at the same time that field personnel are already doing annual surveys so the cost will be minimal.

Action: Colton moved and Mulligan seconded the motion to authorize FWP to coordinate the translocation of ten Swift Fox from north central Montana to the Fort Peck Indian Reservation.

Colton said this is a good opportunity to coordinate with the Tribe, and to move fox from one area to another. The Tribe seems excited about it, and committed to it.

Chairman Doherty asked for public comment. There were none.

Action on Motion: Motion carried. Three in favor – one opposed (Brenden).

15. 2006 Grazing & Sharecrop Leases – Final and Endorsement. Don Childress, FWP Wildlife Division Administrator, presented two grazing lease proposals. The Beartooth WMA grazing lease requires final approval, and the Beckman WMA lease with the Roe Ranch is presented for Commission endorsement to move forward.

Childress explained that this first proposal is for a new livestock grazing lease with Sieben Livestock for 450 acres in the Beartooth WMA in the area known as Pollock Meadows. The lease would be a six-year rest-rotation lease, and the Sieben Ranch would provide fencing while the cattle are grazing. FWP has shared a good relationship with Sieben Livestock through another lease within the Beartooth WMA. An EA is currently out for public comment.

Action: Brenden moved and Colton seconded the motion to approve the six-year grazing lease with Sieben Livestock on the Beartooth WMA in the area known as Pollock Meadows.

Chairman Doherty asked for public comment. There were none.

Action: Motion carried.

Childress said the second lease proposal is part of the Beckman WMA. FWP proposes to lease with a neighboring rancher, the Roe Ranch, to set up a rest-rotation grazing system. The two properties would be a single grazing system. There would not be an increase in livestock numbers, just a better distribution of them. The Roe Ranch has a good reputation on their grazing practices. FWP would be required to install water and fencing. The Environmental Assessment has been prepared. No public comments have been received as of this time.

Colton said these are good folks, and they are good cattle ranchers. This would compliment the area.

Action: Colton moved and Brenden seconded the motion to approve pursuit of the grazing lease on the Beckman WMA in conjunction with the neighboring Roe Ranch.

Chairman Doherty asked for public comment. There were none.

Action on Motion: Motion carried.

16. Initiation of Game Damage Rule Change – Tentative. Don Childress, FWP Wildlife Division Administrator, said some concern was expressed during the season setting process about how game damage would be implemented due to the new 5-week hunting season. As a response to that concern, tentative rules were developed to clarify how game damage hunts and management seasons would deal with situations that fell outside of the general season. Childress said minor changes have been made to the existing rule, and four new rules were added: Public Hunting Eligibility Requirements, Game Damage Hunts, Game Damage Hunt Roster, and Management Seasons. Public hearings will be held.

Brenden said a lady from the Fort Peck area contacted him about a game damage situation, however it was not within the allowable time frame. If that happens a lot, a lot of game damage could occur. Brenden asked if there is anything that FWP can do to help those people who need help outside of the timeframe of August 15 – February 15? Childress said the rules are addressing these situations through a variety of options.

Childress said areas that are placed in weapons restricted areas are done so for safety reasons. The weapons restrictions will also apply to game damage seasons. The Game Damage Hunt Roster was developed to help address and implement the game damage hunt in a quick manner. Hunt roster registration is available through the website or through any FWP office. Childress said the hunt roster limits non-residents to only 10% of the pool of names for game damage hunts and management seasons. Also, if there are not enough hunters in an area, hunters from an adjacent area may be chosen to hunt in the area of need.

Brenden said one problem during the bad winter a couple of years ago was that they were charging the same for all licenses. Is there latitude on what to charge for extenuating circumstances? He said many people are not going to spend the full amount on licenses for deer that may not be in the best of conditions. Childress said FWP has the authority to adjust the prices for deer, elk and antelope for management purposes.

Childress said the new rule entitled Management Seasons has been confusing in the past. It has always been in the rules as a management season, but he only remembers once that it was used. It requires going through the same lengthy process as the regular season setting goes through, so is not conducive to addressing situations in a timely manner. The new rule amends this management season.

Childress explained the difference between general season, game damage season, management season, and season extensions. He said the 5-week season focuses on harvesting for population management. If during that 5-week period the weather is negatively influencing harvest rates, then FWP has the opportunity to grant a season extension. The game damage season is site specific for individual landowners and focuses on wildlife that are causing problems. Childress said there can be game damage at any population level. Management seasons are designed to be proactive and reduce potential damage by migration of large concentrations of animals, and usually covers a larger geographic area.

Childress said there will be opportunity for public comment, and hopefully the rules will be brought before the Commission in July for final action.

Action: Mulligan moved and Colton seconded the motion to approve the tentative game damage rules as recommended by the Department.

Chairman Doherty asked for public comment.

Jay Bodner, Montana Stockgrowers Association, said he appreciates the Department looking into this situation. They were one of the groups with concerns about game damage hunts, and they will provide these draft rules to their people for review.

Action on Motion: Motion carried

17. Forest Legacy Proposal involving Nevada Lake WMA – Endorsement. Mike Thompson, new Region 2 Wildlife Manager, presented a power point presentation on this proposal to highlight various points and to provide a visual picture of the land involved. FWP proposes to conserve up to 9,601 acres of elk and mule deer winter range adjoining Nevada Reservoir, in Powell County. The project would be funded in its entirety with a grant of \$1.379 million from the federal Forest Legacy Program. This is part of the larger project of the Blackfoot Challenge to maintain traditional land uses on 89,000 acres of Plum Creek property in the middle and upper Blackfoot Watershed. If the Commission approves the project, FWP will prepare a draft EA and a management plan, and a public meeting will be held in Helmville. The ranchers who are involved have been contacted, and are willing to enter into negotiations.

The Nature Conservancy would purchase and temporarily hold 3,260 acres owned by Plum Creek Timber Company in the project area. FWP would use Forest Legacy funds to purchase the conservation easements on the Plum Creek lands, and on the forested portions of the involved private ranches that qualify for Forest Legacy funding. These transactions will make the Plum Creek land affordable for the ranchers to purchase. The landowners would donate 25% of the appraised easement value to match the Forest Legacy funding of 75% of the appraised easement. FWP would retain a conservation easement on its existing Nevada Lake WMA (740 acres), which is located in the center of the project area, and would exchange the remainder fee value of the WMA to one of the neighboring ranchers for an equivalent value in conservation easement underlying rangeland habitat on the private land. This single transaction would be expected to expand the acres conserved by the existing WMA by at least 40%. Conservation easements would require an approved grazing plan (following restoration principles), an approved Forest Stewardship Plan, and would guarantee reasonable public access.

Action: Mulligan moved and Colton seconded the motion that FWP proceed with negotiations to acquire conservation easements on up to 9,601 acres of Plum Creek and private lands in the Nevada Creek project area, using a grant from the Forest Legacy Program, landowner donations of a portion of appraised easement values, and, if appropriate, the remainder fee value after applying a conservation easement on the Nevada Lake WMA.

Chairman Doherty asked for public comment. There were none.

Motion carried. Brenden opposed.

18. Blue Eyed Nellie WMA Lane Acquisition from FNAWS – Final. Don Childress, FWP Wildlife Division Administrator, explained that the Montana Chapter of the Foundation for North American Sheep has purchased three mining claims, totaling approximately 59 acres, between Anaconda and Georgetown Lake, and they are offering to sell them to FWP for \$30,000, which is half of their purchase price. This parcel consists of open grassland & cliffs, and is heavily used by bighorn sheep all year round, including during lambing season and during the winter months for winter range. The area provides access to public lands, and provides wildlife viewing opportunities. Procuring this parcel would greatly enhance the existing 100-acre WMA.

The acquisition would be funded by a \$5,000 donation from the Anaconda Sportsman's Club and \$25,000 from the Bighorn Sheep License Account. There is a great deal of public support for the project.

Wayne Ternes, Anaconda landowner and County Commissioner, and his wife donated a small parcel of property where the road goes through the gate into the WMA.

Action: Mulligan moved and Colton seconded the motion to approve the acquisition of approximately fifty-nine acres from the Montana Chapter of the Foundation for North American Wild Sheep for \$30,000 with funding provided by a significant donation in value by the Foundation, \$5,000 from the Anaconda Sportsman's Club, and \$25,000 for the Bighorn Sheep Account.

Chairman Doherty asked for public comment.

Wayne Ternes thanked FWP for their creativity with this project. He said FWP has been a good neighbor, and he added that he and his family will continue to pick up trash, etc. He fully supports this acquisition. It will keep development down, and will help the sheep.

Action on Motion: Motion carried.

19. Public Opportunity to Address Issues Not Discussed at this Meeting.

Wayne Ternes said the Anaconda community has a wide range of things happening, including superfund issues, lawsuits, and the signing of a 99-year lease on a 4,000 acre non-filtration watershed next to the five sections of property that FWP took over. They have not put the water to use yet however.

Keith Large, Milltown Dam Superfund Officer, Department of Environmental Quality, said the Milltown sediments and dam removal project is slated to begin in October of 2006. A request will then be made of FWP to authorize a closure of the lower Blackfoot River, and a closure of a portion of

the Clark Fork River near Milltown for the purpose of increasing public safety and keeping the public from recreational activities inside a Superfund construction site. Federal policy does not allow unauthorized access to a Superfund Site while remedial action is ongoing, however, the EPA acknowledges the fact that only the State can authorize the closure of a river to the public, and this is why the request is forthcoming. Large just wanted to give the commission a “heads-up” on the situation. The closure will need to be in effect for 5 to 6 years, possibly longer depending on construction scheduling, and unforeseen difficulties.

Hagener noted that the variable priced licenses were oversold, and 15,000 supertag chances have been sold at this point. He asked the Commissioners to submit any outstanding travel claims, and asked those who planned to attend the tour of Virginia City and Nevada City on June 7th to let him know soon so arrangements can be made.

Action: Colton moved and Mulligan seconded the motion to adjourn. Motion carried.

Meeting adjourned at 3:15 p.m.

Steve Doherty, Chairman

M. Jeff Hagener, Director